

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOUNG YIL JO,

Plaintiff,

v.

SIX UNKNOWN AGENTS, BARACK
OBAMA, PRESIDENT OF THE UNITED
STATES, et al.,

Defendants.

Case No. C13-991-RSL-BAT

**REPORT AND
RECOMMENDATION**

Plaintiff is a pro se prisoner in Texas. This is the sixth § 1983 complaint he has submitted in 2013 without paying the filing fee or requesting to proceed in forma pauperis (“IFP”) application. Dkt. 1. This action is also one of many repetitive actions plaintiff has brought and should be dismissed with prejudice and count as a strike for the following reasons.

The Court normally recommends a matter be dismissed without prejudice where a party fails to pay a filing fee or fails to submit an IFP application. This action, however, is one of many identical complaints plaintiff has submitted without making any effort to pay the filing fee or submit an in forma pauperis application. Beginning in 2011, virtually identical complaints were submitted in case numbers C11-1963-RSM, C11-2013-RSL, C11-2121-JLR, C11-2159-JLR, C12-04-TSZ, C12-76-JLR, C12-77-RSL, C12-76-JLR, C12-420-RSL, C12-1328-RAJ, C12-

1 606-JCC, C12-1531-JLR, C12-1858-RAJ, C12-2061-RSM, C12-2219-MJP, C13-126-TSZ; C13-
2 142-TSZ; C13-298-RSM; C13-915-JCC; and C13-947-RSL. Plaintiff made no attempt to pay
3 the filing fee or apply to proceed in forma pauperis in any of these cases.

4 Second, even if plaintiff paid the filing fee or submitted a sufficient in forma pauperis
5 application, the case should still be dismissed with prejudice for failure to state a claim.
6 Plaintiff's proposed complaint is incomprehensible, fails to set forth facts sufficient to state a
7 claim for relief, and does not appear to involve any acts committed in this federal district. *See*
8 Dkt. 1. Four prior cases, C12-77-RSL, C11-2159-JLR, C12-420-RSL and C13-126-TSZ which
9 contained similar allegations were dismissed as frivolous or for failure to state a claim and have
10 been deemed to constitute strikes.

11 Accordingly, the Court recommends this action be **DISMISSED** with prejudice under 28
12 U.S.C. §§ 1915(e)(2)(B)(i)-(ii) and 1915A(b)(1) because the complaint fails to state a claim upon
13 which relief may be granted and is frivolous. The Court further recommends this dismissal
14 constitute a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

15 If plaintiff objects to this Recommendation, he must file objections, limited to five pages, by
16 **July 2, 2013**. The Clerk should note this matter for **July 5, 2013** as ready for the Court's
17 consideration. The failure to timely object may affect the right to appeal. A proposed order
18 accompanies this Report and Recommendation. The Clerk is directed to provide a copy of order
19 to plaintiff and to the Honorable Robert S. Lasnik.

20 DATED this 11th day of June, 2013.

21 

22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge